

RESPONSE TO OFFICE ACTION

DATED MARCH 15, 2006

Appln. No. 10/653,308

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July 7, 2006

REMARKS

This is in response to the Office Action dated March 15, 2006. Reconsideration of the allowability of the pending claims is respectfully requested in view of the following remarks.

Request for Extension of Time

Applicant hereby requests that the period for response be extended one month, from June 15, 2006 to July 15, 2006. Enclosed is Credit Card Form PTO-2038 authorizing the charge of \$60 to cover the one-month extension fee pursuant to 37 CFR 1.17(a)(1).

Status of Claims

Claims 44-66 are presented. Claims 29-43 have been canceled, and new Claims 44-66 have been added. Support for the amendment may be found throughout applicant's specification.

Summary of the Rejections

Claims 29-43 stand rejected under 35 USC 112, second paragraph, as indefinite. Claims 29, 32, 33 and 40 are rejected under 35 USC 103 as obvious over RU 2030904 to Rogovsky (hereafter "the '904 patent"). Claims 30 and 31 are rejected under 35 USC 103 as obvious over the '904 patent in view of RU 96101748, also to Rogovsky (hereafter "the '748 patent"). Claim 34 is rejected under 35 USC 103 as obvious over the '904 patent in view of U.S. Patent No. 5,052,924 to Berg. Claims 35-39 and 42 are rejected under 35 USC 103 as

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obvious over the '904 patent in view of U.S. Patent No. 5,476,380 to Rosenstatter. Claims 41 and 43 are rejected under 35 USC 103 as obvious over the '904 patent in view of U.S. Patent No. 5,634,790 to Pathmanabhan et al. Claim 43 is rejected under 35 USC 103 as obvious over the '904 patent in view of Rosenstatter and Pathmanabhan et al. Applicant respectfully traverses these rejections.

Summary of the Objections

The Examiner has objected to the drawings for the use of text thereon. Applicants submit herewith substitute drawings with the text removed and the sectional views denoted according to U.S. practice.

New Claims

As noted above, applicant has canceled Claims 29-43 and now submits herewith new Claims 44-66. As a result, the rejections of Claims 29-43 have been rendered moot. The new claims have been written so as to address the rejections as to indefiniteness by paying strict attention to the requirements of antecedent basis and consistency of claim element terminology so that all claim elements are defined uniquely. Applicant has also eliminated language which the Examiner found confusing. Applicant believes that the new claims overcome the rejections as to indefiniteness. No new matter has been added.

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Traversal of Rejections as to Obviousness

Applicant notes that the '904 patent has been used as the basis for rejecting Claims 29-43 as obvious, with the other references being cited only with respect to the rejection of dependent claims. Applicant believes that new Claims 44-66 are patentable over the '904 patent, as well as the other cited references, for the reasons outlined below.

Independent Claim 44 recites, in relevant part:

an elongated body having a longitudinal axis;
a seat positioned at one end of said body;
a head rotatably mounted on said seat, said head being rotatable about a first axis of rotation oriented angularly with respect to said longitudinal axis, said head having a center of rotation co-incident with said longitudinal axis...

This recitation describing the relationship of the body, seat and head is best illustrated in Figure 1 which shows the axis of rotation of the head 3 angularly oriented relatively to the longitudinal axis of the body 1, and the head having a center of rotation that is co-incident with the longitudinal axis of the body. This relationship between the center of rotation of the head and the longitudinal axis of the body is neither taught nor suggested in either the '904 patent or the '748 patent. Examination of the figures in these references clearly shows a head having a center of rotation that is offset from the longitudinal axis of the body to which it is

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rotatably attached. By having the center of rotation of the head co-incident with the longitudinal axis of the body, the applicant secures two advantages: (1) the head may be made small in size and is therefore better able to operate within the limited confines of a patient's mouth; and (2) the drill bit may be positioned coaxially with the longitudinal axis of the body, a configuration which is unobtainable with the designs shown in either the '904 patent or '748 patent.

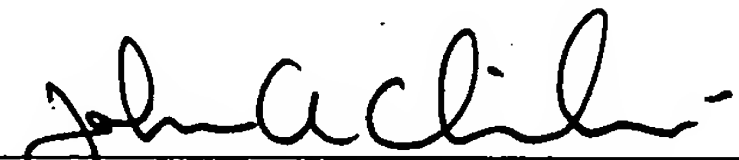
The relationship between the center of rotation of the head and the longitudinal axis of the body is neither taught nor suggested in any of the other cited references as well. Furthermore, there is no apparent motivation to modify any of the dental handpieces disclosed in the cited references so that the center of rotation of the head coincides with the longitudinal axis of the body. Accordingly, Claims 44-66 are patentable over the cited references.

Conclusion

In view of the foregoing amendments and remarks, favorable consideration and prompt notice of allowance of all of the pending claims is respectfully requested.

Respectfully submitted,

SYNNESTVEDT & LECHNER LLP

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JAC/dml

Enclosures

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Amendments to the Drawings

The attached sheets of drawings include changes to Figures 1-6. At the Examiner's request, text has been deleted and reference symbols have been used in place of text.

Attachments: Annotated Sheets Showing Changes (6 sheets)
Replacement Sheets (6 sheets)

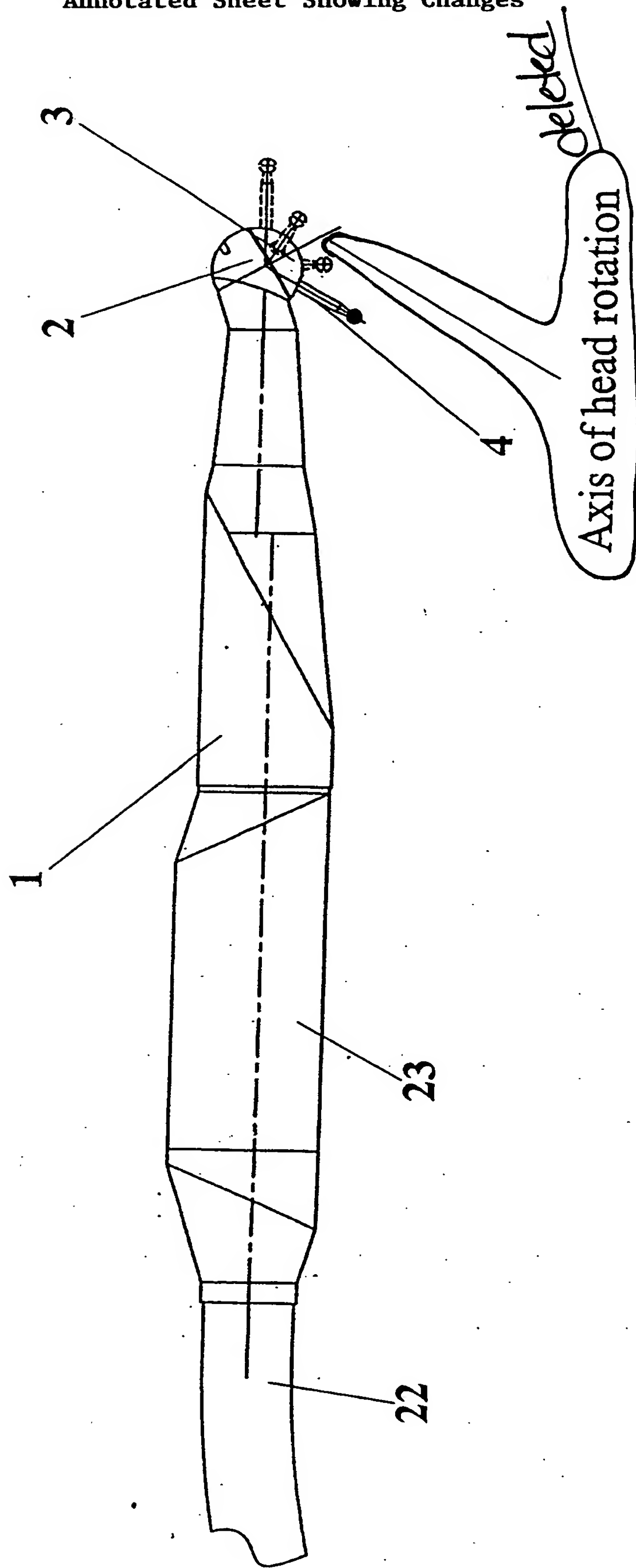


Fig. 1

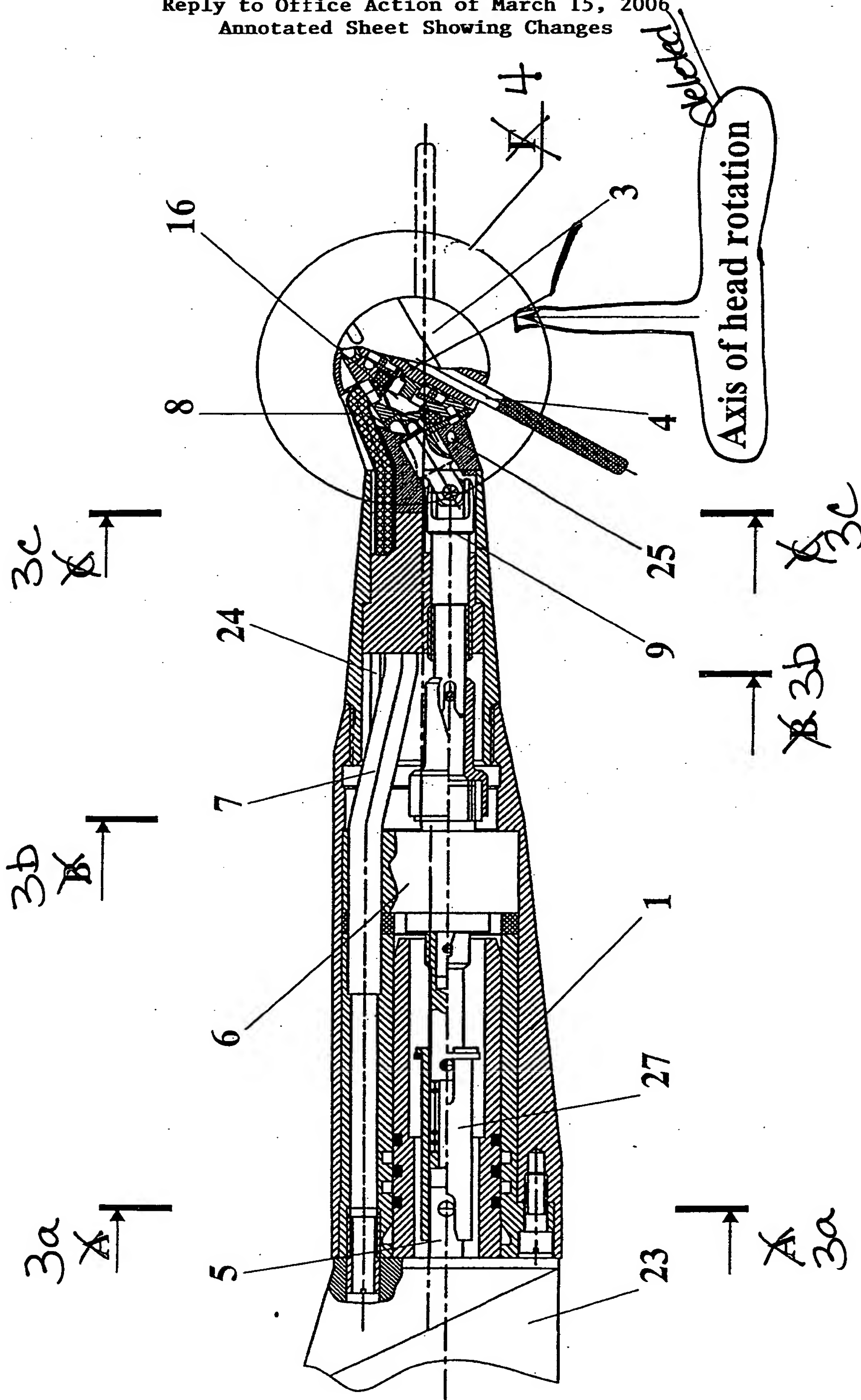


Fig. 2

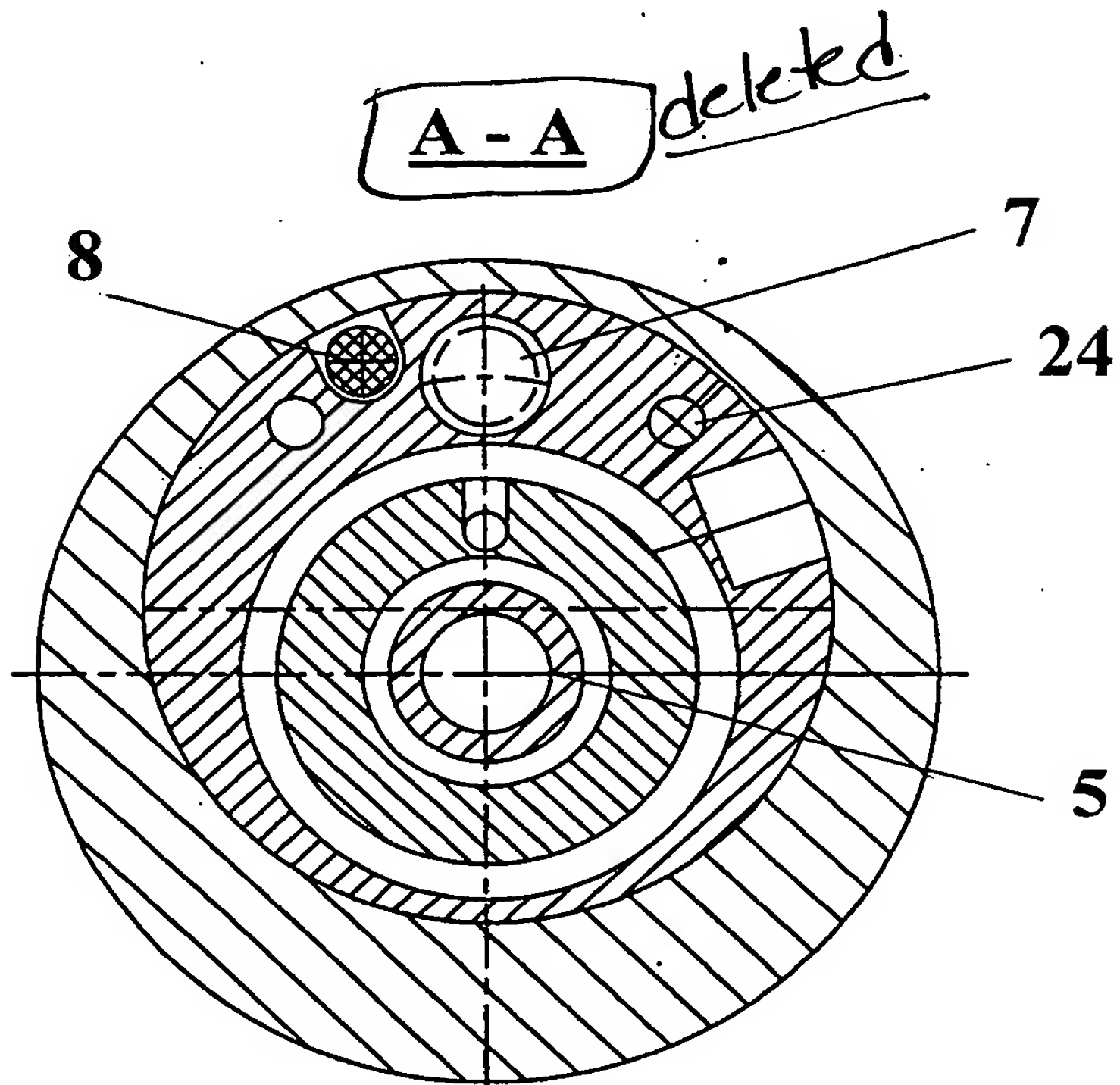


Fig. 3a

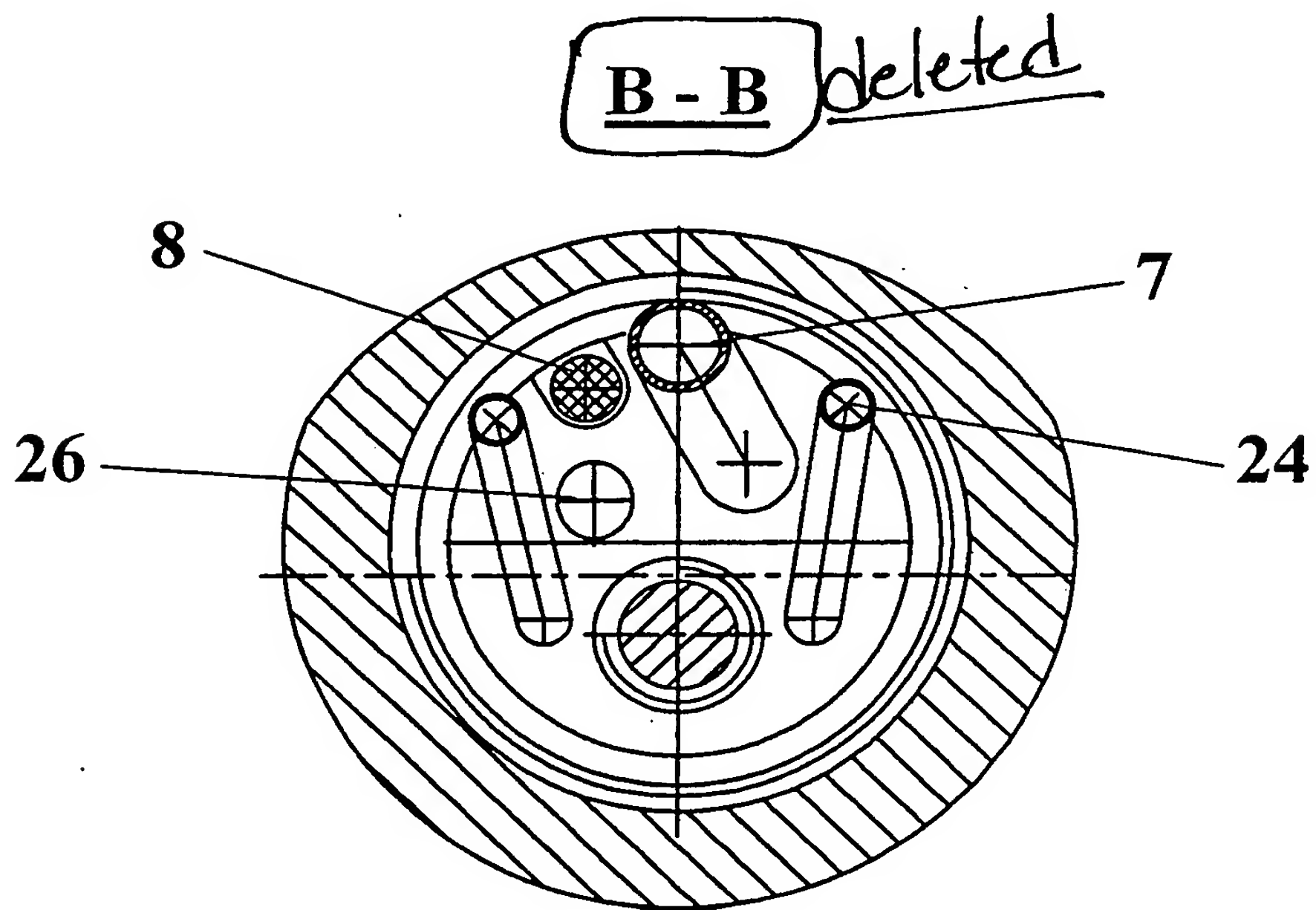


Fig. 3b

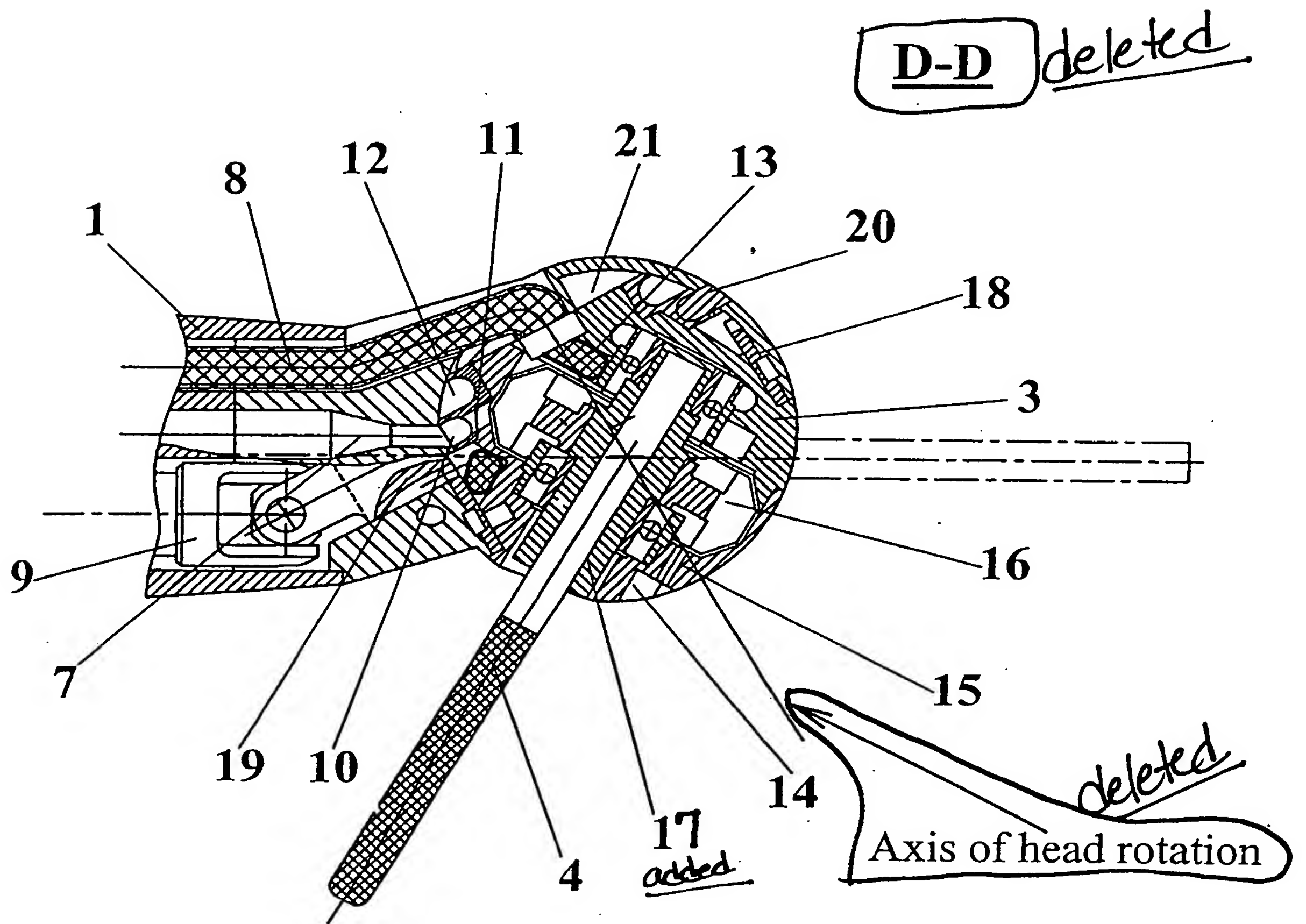


Fig. 4

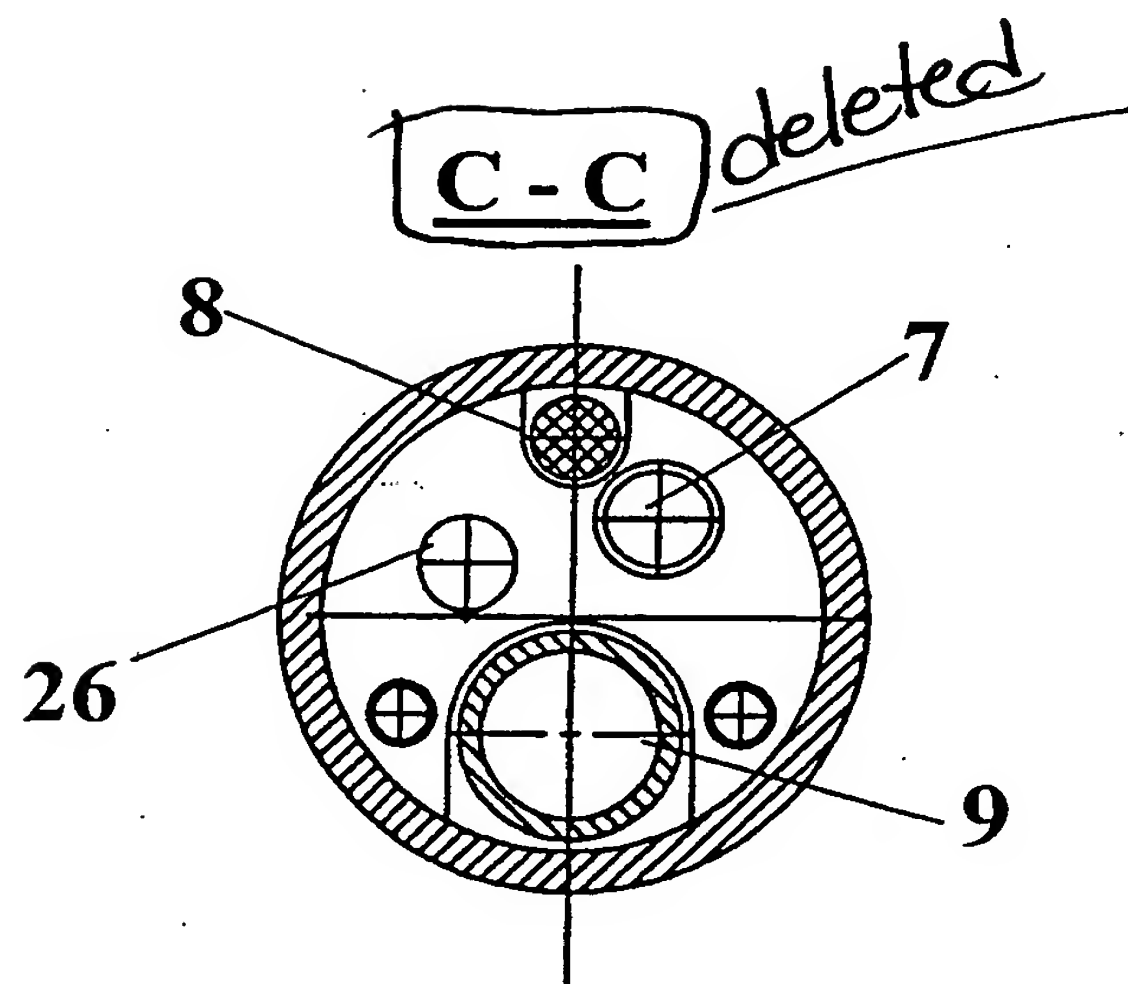


Fig. 3c

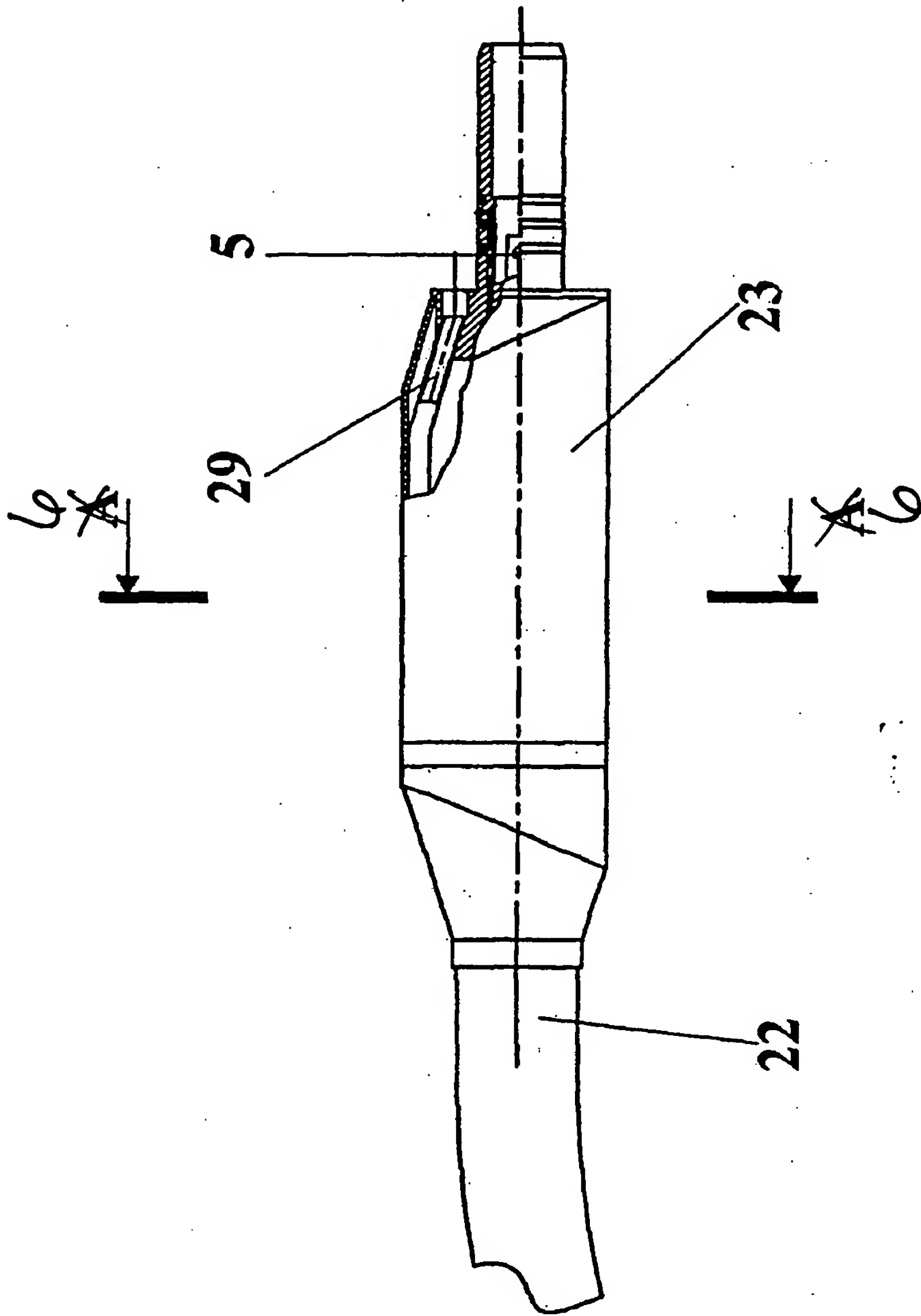


Fig. 5

A - A *deleted*

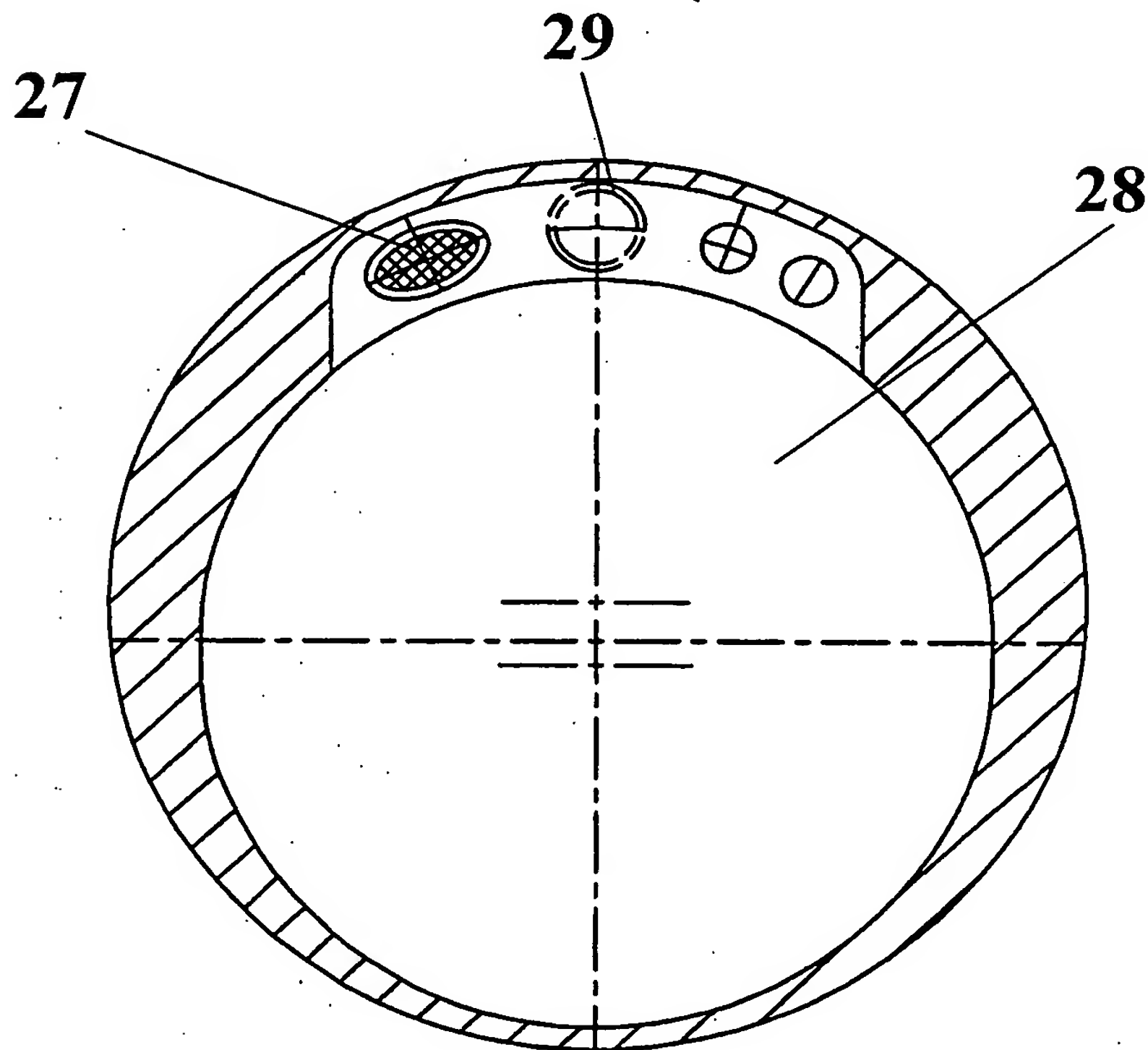


Fig. 6